

**In The United States District Court For The
Western District Of Tennessee**

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FEB 10 2023

Wendy R Oliver, Clerk
U.S. District Court
W.D. OF TN, Memphis

Greg Brown,

Plaintiff,

v.

CIV.NO.2:23-cv-02027-SHM

Officers Of The Desoto

County, Mississippi Chancery

Court in their official capacities,

Defendants

**MOTION FOR DISCOVERY PURSUANT TO FEDERAL RULES OF
CIVIL PROCEDURES RULE 26(a)**

A. INTRODUCTION

Now comes the plaintiff Greg Brown in a request of this honorable court to grant this motion for discovery of all documents, transcripts, clerk office records and all court administrative records under case # 18-cv-00647 IN THE CHANCERY COURT OF DESOTO COUNTRY, MISSISSIPPI pursuant to Rule 26(a) of the F.R.C.P..

B. Jurisdiction

Rule 26(a) of the Federal Rules of Civil Procedures states in part:

Except as exempted by rule 26(a)(1)(B) or as otherwise stipulated or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties:(ii) a copy or a description by category and location of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment. See *Settle v. Parris* No. 3:19-cv-32 (6th cir. 2020)

C. Facts

On or about October 14, 2006, Greg and Rhonda Brown (hereinafter sometimes "Plaintiff" or "Rhonda") were legally married in DeSoto County, Mississippi. The couple did not have any children together. In November 2016, the parties separated from each other. Greg was forced from the marital home.

Nearly eighteen (18) months later, on or about April 10, 2018, Rhonda filed for divorce on the grounds of adultery, alternatively, irreconcilable differences. Therein, Rhonda also requests inter alia, temporary relief. A Rule 81 Summons was issued scheduling a hearing for May 8, 2018.

A Rule 4 Summons was also issued. In place of the hearing, the parties consented to a continuance of the hearing to June 19, 2018. For whatever reason, that scheduled hearing seemingly never took place.

About a month later, on or about July 9, 2018, Plaintiff's counsel filed a motion seeking a hearing on temporary relief. Upon information and belief, the previous counsel for Defendant advised counsel opposite of her unavailability on the initially proposed hearing date(s). And, on or about July 11, 2018, the previous Defense counsel filed an Answer to the Complaint on behalf of Greg. A cursory review of said Answer pieces of evidence that Defendant timely and properly objected to temporary spousal support. Nonetheless, Plaintiff's counsel seemingly and unilaterally scheduled a hearing for July 31, 2018, on Plaintiff's request for temporary relief.

Plaintiff appeared before this Court on or about July 31, 2018, and obtained from this Court an order titled "ORDER ON MOTION FOR TEMPORARY HEARING."

D. Argument

Rule 26(a) of the Federal Rules of Civil Procedures provide that a party must make a computation of each category of damages claimed by the disclosing party who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered. See *Rachilla v. Mack Trucks* No. 08-14771-BC (6th cir. 2009)

The plaintiff request all documents and transcripts of all proceedings held under case number 18-cv-00647 in the Chancery Court of Desoto County, Mississippi. The said request should include all the clerks office records of the process of setting all the court dates and hearings in the divorce proceedings. See *Bolletino v. Cellular Sales of Knoxville, Inc.* No. 3:12-cv-138 (6th cir. 2012). The court administrative records alone with the clerks office records will prove that the court failed to follow the process for setting the court dates and hearings. These records will show that the court failed to give proper notice to the plaintiff of these dates in violation of due process. Then these documents will show that there was never any order of setting for a July 31, 2018 hearing present in the lower court. There is no record of this court date being set. See *I.T. Prods, LLC v. Doe* No. 3:16-cv-00836-TBR (6th cir. 2017)

CONCLUSION

Based on the foregoing the plaintiff request that this Honorable Court grant this motion for discovery pursuant to Federal Rules of Civil Procedures Rule 26(a) due to the fact that the requested documents are evidence in this civil matter.

Date: / /2022

Respectfully Submitted

A handwritten signature in blue ink, appearing to read "Greg Brown", is written over a dashed horizontal line.

Greg Brown

4128 Glenbrook

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Yazoo City, Ms. 39194

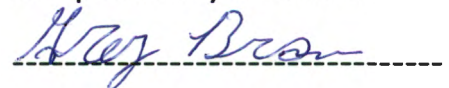
Certificate Of Service

I Greg Brown hereby certify that a copy of this petition was sent via first class mail, postage prepaid, using the United States Service to the following:

Judge Mitchell M. Lundy P.O. Box 949 Hernando, Ms. 38632 Chancery Clerk Misty Heffner address Clerk office 2535 US-51 Hernando, Ms. 38632, Court Reporter Kimberly B. McDowell address 221 Detton Street Batesville, Ms. 38606, Attorney Derek D. Hopson, Hopson law Group P.O. Box 266, 601 Dr. Martin Luther King Jr. Blvd, Suite A Clarksdale, Ms. 38614. Attorney Jerry Wesley Hisaw addresses 3010 Goodman Road West Horn Lake, Ms, 38637 Attorney Elizabeth Paige Williams addresses Williams + Williams 217 Center Street Hernando, M. 38632, Court Administrator Melanie Wells addresses 2535 US-51 Hernando, Ms. 38632, Secretary Brandie Correro Williams+Williams 217 Center Street Hernando, Ms. 38638, and Attorney Urua W Mayers address P.O. Box 3013 Memphis Tn. 38173.

Date: / /2022

Respectfully Submitted

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Greg Brown